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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,248	04/03/2001	Koichi Sato	P20491	1314

7055 7590 04/20/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C.	JELINEK, BRIAN J	
1950 ROLAND CLARKE PLACE		
RESTON, VA 20191	ART UNIT	PAPER NUMBER
	2615	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/824,248	SATO, KOICHI
	Examiner	Art Unit
	Brian Jelinek	2615

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 December 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Response to Amendment

The Examiner respectfully submits a response to the amendment received on

12/27/2004 of application no. 09/824,248 filed on 4/3/2001 in which claims 1-8 are

currently pending.

Arguments

In the previous Office Action, the Anderson reference was correctly indicated on

the Notice of References Cited but incorrectly identified when rejecting claims 1-8. For

clarification, the Examiner was relying on Anderson (U.S. Pat. No. 6,683,649); the

Examiner apologizes for the inconvenience to the Applicant.

The Applicant's arguments have been fully considered but they are not

persuasive. Please refer to the following office action, which clearly sets forth the

reasons for non-persuasiveness.

The Applicant contends that no operation related to a video in Anderson suggest

a continual-image determination processor that determines whether a plurality of

discrete images were obtained in a continual photographing operation; video is not a

plurality of discrete images; and there is no common operation continually performed on

a video in Anderson. Finally, the Applicant contends that there is no indication that the

deletion of a temporary group of files in Anderson would be continually performed.

In response, the Examiner notes that Anderson discloses a multimedia

presentation from heterogeneous media objects, wherein each media object is

associated with a media type, such as images, video, audio, and text and are

automatically displayed (col. 2, lines 40-57). It is inherent when displaying individual images and video that the CPU perform continual-image determination processing in order to identify the media type of the media object to be displayed in order to ensure that the media type is reproduced correctly, i.e. that individual images and videos are reproduced as individual images and videos, respectively.

The Examiner respectfully disagrees with the Applicant that video is not a plurality of discrete images. As is extremely well known in the art, video is comprised of frames (or fields, where an even and odd field comprise a frame), each frame being a discrete image.

The Examiner respectfully disagrees with the Applicant that there is no common operation continually performed on a video in Anderson. The Examiner maintains that displaying a video is a continual operation because subsequent video frames are continually displayed for the duration of the video.

The Examiner respectfully disagrees with the Applicant that the deletion of a video would not effect the continual deletion of the plurality of images (video frames) contained in the video. Anderson discloses the videos are stored as MPEG-2 files (col. 5, line 63-col. 6, line 1); and the user may delete a media object, e.g. a video, from a group of media objects, by selecting the delete function. Clearly, deleting an MPEG video file, an MPEG header, or even just a pointer to the MPEG file, from a group effects the deletion of all the frames contained within the MPEG file from the group. The Examiner contends that deleting a video media object from the group of media objects may be performed by deleting the MPEG file header or simply by deleting a

pointer to the MPEG file. In either case, all the frames contained in the MPEG file are

deleted simultaneously, which the Examiner interprets as continual because there is no

interruption between the deletion of frames.

As a final note, the Examiner believes the Applicant's claim language is

sufficiently broad to read on Anderson, despite any differences between Anderson and

the Applicant's invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

Claims 1-3, and 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by

Anderson (U.S. Pat. No. 6,683,649).

Regarding claim 1, Anderson teaches a continual-image processing device (Fig.

1) for processing a plurality of discrete images obtained in a continual photographing

operation, comprising: a continual-image determination processor that determines

whether the plurality of discrete images were obtained in said continual photographing

operation (col. 12, lines 29-36; Fig. 1, element 112) because the computer of the digital

video camera plays a media object according to it type, i.e. if the media type is a still

image, it is reproduced as a still image and if the media type is a video, it is reproduced

as a video. Furthermore, Anderson discloses an image processor that continually

performs a common operation on the plurality of discrete images when it is determined

that the plurality of discrete images were obtained in the continual photographing

operation (col. 12, lines 35-36; Fig. 1, element 112) because if the camera plays a video

media object, the camera will perform the common operation of displaying each

succeeding and discrete video frame continually for the duration of the video.

Regarding claim 2, Anderson teaches the image processor continually

reproduces the plurality of discrete images as the common operation (col. 12, lines 35-

36) because the camera will perform the common operation of displaying each

succeeding and discrete video frame continually for the duration of the video.

Regarding claim 3, Anderson teaches the image processor continually

reproduces the plurality of images at a same interval as that of the continual

photographing operation (col. 1, lines 44-45; col. 5, lines 40-52)

Regarding claim 5, Anderson teaches the continual-image determination

processor determines whether the plurality of discrete images were obtained in the

continual photographing operation (col. 12, lines 29-36; Fig. 1, element 112) by reading

image recording information recorded for each of the discrete plurality of images (col. 5,

lines 63-col. 6, line 1) because video is encoded and stored as MPEG-2 files, the file

type indicating the plurality of discrete images were obtained in the continual

photographing operation (in contrast, sill images are stored as JPEG files).

Regarding claim 6, Anderson teaches the image recording information comprises

a continual-image flag recorded in a header area corresponding to an image recording

area in which a discrete image is recorded (col. 5, lines 63-col. 6, line 1) because an

MPEG file may contain sequence start and end codes in the MPEG video header that

designate a sequence of images to be displayed.

Regarding claim 7, Anderson teaches the continual photographing operation is

performed by an electronic still camera (Fig. 1, element 100).

Regarding claim 8, Anderson teaches a continual-image processing device (Fig.

1) for processing a plurality of discrete images obtained in a continual photographing

operation, comprising: a continually recording processor that continually records said

plurality of discrete images at a predetermined interval (col. 1, lines 44-45) and that

enables the plurality of discrete images to be continually displayed as discrete images

(col. 5, lines 40-52), where a video frame is a discrete image; and an image processor

that continually performs a common operation on the plurality of discrete images (col. 5,

lines 40-62) because the DSP processes each frame into video for display.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson

(U.S. Pat. No. 6,683,649).

Regarding claim 4, Anderson teaches the image processor deletes a plurality of discrete images (col. 10, lines 25-38 and 45-51) because a video can be deleted from a group of media objects. Anderson does not explicitly disclose the deleting is performed continually.

However, Official Notice is given that it is well known in the art to perform deletion of the contents of a file by deleting the file header and/or a pointer to the file. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have deleted the frames of a video continually because when the MPEG file header or pointer is deleted, the result is the simultaneous deletion of all the frames contained in the MPEG file, which the Examiner interprets as continual because there is no interruption between the deletion of frames.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

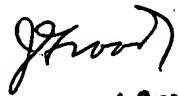mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 8:00 am - 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached at (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James J. Groody
Supervisory Patent Examiner
Art Unit 262 2615

Brian Jelinek
4/12/2005